

IC 14-15-3

Chapter 3. Watercraft Operation

IC 14-15-3-1

"Small lake" defined

Sec. 1. As used in this chapter, "small lake" means a body of public water having a surface area that does not exceed three hundred (300) acres, excluding the following in determining the surface area:

- (1) An adjoining channel.
- (2) Any other small lake connected to the body of public water by a natural or manmade channel less than five hundred (500) feet wide at the narrowest point.

As added by P.L.1-1995, SEC.8.

IC 14-15-3-2

Unlawful operation prohibited

Sec. 2. A person may not operate a boat upon public waters:

- (1) in any manner;
- (2) under any circumstances; or
- (3) at any rate of speed;

prohibited by this article.

As added by P.L.1-1995, SEC.8.

IC 14-15-3-3

Careful and prudent operation

Sec. 3. A person operating a boat shall operate the boat in a careful and prudent manner, having due regard for the following:

- (1) The rights, safety, and property of other persons.
- (2) The conditions and hazards, actual and potential, then existing, including weather and density of traffic.
- (3) Possible injury to the person or property of other persons.

As added by P.L.1-1995, SEC.8.

IC 14-15-3-4 Repealed

(Repealed by P.L.57-1995, SEC.11.)

IC 14-15-3-5

Operation of unsafe boats prohibited

Sec. 5. A person may not operate a boat if all or part of the boat is:

- (1) designed or constructed in a manner; or
- (2) in a condition or state of repair;

that endangers the person or property of any other person.

As added by P.L.1-1995, SEC.8.

IC 14-15-3-6

Dangerous operation prohibited

Sec. 6. A person may not operate a boat in a manner that does any of the following:

- (1) Unnecessarily endangers the person or property of another person.
- (2) Unnecessarily interferes with the safe and lawful use of public waters by another person.
- (3) Unnecessarily interferes with or obstructs a special event sanctioned or otherwise legally permitted by the department, another state, or the United States.

As added by P.L.1-1995, SEC.8.

IC 14-15-3-7

Speeding

Sec. 7. A person may not operate a boat at a rate of speed greater than:

- (1) is reasonable and prudent, having due regard for the conditions and hazards, actual and potential, then existing, including weather and density of traffic; or
- (2) will permit the person, in the exercise of reasonable care, to bring the boat to a stop within the assured clear distance ahead.

As added by P.L.1-1995, SEC.8.

IC 14-15-3-8

Night speed limit

Sec. 8. Subject to section 9 of this chapter, a person may not operate a boat during the period between sunset and sunrise at a speed greater than ten (10) miles per hour.

As added by P.L.1-1995, SEC.8.

IC 14-15-3-9

Restrictions on operation on boundary lakes

Sec. 9. (a) This section applies only to lakes of more than four hundred (400) acres but less than one thousand (1,000) acres lying on the boundary of Indiana and another state.

(b) Between 6:30 p.m. and 10 a.m., a person may not do any of the following:

- (1) Operate a boat at a speed greater than ten (10) miles per hour.
- (2) Tow an object with a boat, except a disabled motor boat or an object incidental to fishing.
- (3) Obtain or be issued a permit under IC 14-15-5 for an activity described in subdivision (1) or (2).

As added by P.L.1-1995, SEC.8.

IC 14-15-3-10

Small lakes; speed limit

Sec. 10. Subject to section 11 of this chapter, a person may not operate a motorboat upon a small lake at a speed greater than ten (10) miles per hour.

As added by P.L.1-1995, SEC.8.

IC 14-15-3-11

Small lakes; exemption from speed limit

Sec. 11. (a) The commission may adopt rules under IC 4-22-2 to exempt a small lake containing more than seventy (70) acres from section 10 of this chapter if the following conditions exist:

- (1) A majority of the abutting property owners petitions the commission as provided in this section.
- (2) An unreasonable hazard to persons would not result.
- (3) An unreasonable harm to fish, wildlife, or botanical resources would not result.

(b) A petition under this section must specify one (1) of the following periods for exemption from section 10 of this chapter:

- (1) Each day of the week (Sunday through Saturday) from 1 p.m. to 4 p.m. (local time prevailing).
- (2) Monday, Thursday, and Saturday from 1 p.m. to 4 p.m. (local time prevailing).
- (3) Saturday from 1 p.m. to 4 p.m. (local time prevailing).
- (4) Each day of the week (Sunday through Saturday) from sunrise to sunset if the small lake is owned, leased, or operated in whole or in part by a political subdivision (as defined in IC 36-1-2-13).
- (5) Each day of the week (Sunday through Saturday) from sunrise to sunset if the small lake is connected by a natural channel to a lake having a surface area of more than three hundred (300) acres.

(c) The commission may not establish a period that deviates from the period requested in the petition. However, the commission may adopt rules to establish restrictions for the safe operation of watercraft if unusual conditions or hazards would otherwise result by granting the exemption.

(d) The commission may adopt rules under IC 4-22-2 to rescind or amend an exemption granted under subsection (a) if:

- (1) a majority of the abutting property owners of a small lake that has been exempted under this section petitions the commission in substantial accordance with the appropriate corresponding requirements of subsection (f) to rescind the exemption; or
- (2) the commission determines that because of the exemption:
 - (A) there is an unreasonable hazard to persons; or
 - (B) unreasonable harm to fish, wildlife, or botanical resources is occurring.

(e) Before the adoption of a rule under subsection (a), the commission must certify that the petition represents a majority of the abutting property owners. A determination under this subsection is subject to IC 4-21.5.

(f) A petition under this section must be in the following form:

To the State of Indiana

Department of Natural Resources

The undersigned, all owners of abutting property to (name of lake) and situated in _____ County, Indiana, petition the department to post time periods exempting (name of lake) from

speed limits as specified in IC 14-15-3-10 as follows:

(Petition to specify one (1) of the time periods listed above.)

We certify that, according to land and water acreage maps on file with the department or certified survey attached, (name of lake) is less than three hundred (300) acres and more than seventy (70) acres, as specified in IC 14-15-3 and that the signatures listed on this petition represent a majority of bona fide property owners of abutting property of (name of lake), as recorded in the office of the county recorder of (name of county). The department may verify the validity of the signatures. We also understand and agree that this petition, when certified, may not be changed or altered within two (2) years from the date of the certification.

Signed

Lake Property Address

Date

As added by P.L.1-1995, SEC.8.

IC 14-15-3-12

Small lakes; rescission or amendment of exemption from speed limit

Sec. 12. (a) A petition filed by a majority of the abutting property owners of a small lake continues in effect and may not be rescinded by a subsequent petition to amend, alter, or abolish for two (2) years from the date of certification of the last filed petition.

(b) To amend, alter, or abolish an existing certified petition a majority of the abutting property owners of the small lake must petition the department.

(c) The commission may adopt rules under IC 4-22-2 to rescind or amend an exemption granted under section 11 of this chapter if:

(1) a majority of the abutting property owners of a small lake that has been exempted under section 11 of this chapter petitions the commission in substantial accordance with the appropriate corresponding requirements of subsection (d) to rescind the exemption; or

(2) the commission determines that because of the exemption:

(A) there is an unreasonable hazard to persons; or

(B) unreasonable harm to fish, wildlife, or botanical resources is occurring.

(d) A petition under this section must be in the following form:

To the State of Indiana

Department of Natural Resources

The undersigned, all owners of abutting property to (name of lake) and situated in _____ County, Indiana, petition the department to (amend) (abolish) an existing petition as follows:

(Insert desired action)

We certify that the signatures listed on this petition represent a majority of the bona fide property owners of abutting property of (name of lake), as recorded in the office of the county recorder of (name of county). The county auditor of the county in which the

property is located shall verify the validity of the signatures before the petition is presented to the department. We also understand and agree that this petition, superseding all existing and prior petitions, when certified, takes effect immediately, and a subsequent petition may not be filed for two (2) years from the date of certification.

Signed

Lake Property Address

Date

(e) Upon rescission of a prior petition, the department, as soon as practicable, shall remove all existing postings on the lake.

(f) It is the intent of this section to avoid confusion to lake users that might result from frequent changes in posting and unnecessary expense to the department in erecting and removing postings more often than every two (2) years.

As added by P.L.1-1995, SEC.8.

IC 14-15-3-13

Boats in races exempt from speed limits

Sec. 13. Notwithstanding any of the provisions of this chapter, a person operating a boat competing in and during a boat race over a fixed and marked course for which a permit has been issued by the department under this article may attempt to attain any speed of which the boat is capable.

As added by P.L.1-1995, SEC.8.

IC 14-15-3-14

Traffic rules

Sec. 14. A person operating a boat shall observe the following traffic rules when applicable:

(1) When two (2) boats are approaching each other "head and head", or nearly so, each boat shall bear to the right and pass the other boat on the boat's left side.

(2) When two (2) boats are approaching each other obliquely or at right angles, the boat on the right has the right-of-way.

(3) A boat operated on a river or a channel shall bear to the right.

(4) A boat may overtake and pass another boat on either side if the passing can be done with safety and within the assured clear distance ahead, but the boat overtaken has the right-of-way.

(5) A boat leaving a dock, a pier, a wharf, or the shore has the right-of-way over all boats approaching the dock, pier, wharf, or shore.

As added by P.L.1-1995, SEC.8.

IC 14-15-3-15

Hazardous wake or wash prohibited

Sec. 15. A person operating a motorboat may not approach or pass another boat:

(1) in such a manner; or

(2) at such a rate of speed;
as to create a hazardous wake or wash.
As added by P.L.1-1995, SEC.8.

IC 14-15-3-16

Circular operation of motorboats around fishers or swimmers prohibited

Sec. 16. A person may not operate a motorboat in a circular course around any of the following:

- (1) Another boat with an occupant engaged in fishing.
- (2) A person swimming.

As added by P.L.1-1995, SEC.8.

IC 14-15-3-17

Minimum distance from shore lines

Sec. 17. (a) A person operating a motorboat may not approach or pass within two hundred (200) feet of the shore line of a lake or channel of the lake at a place or point where the lake or channel is at least five hundred (500) feet in width, except for the purpose of trolling or for the purpose of approaching or leaving a dock, pier, or wharf or the shore of the lake or channel.

(b) Except as provided in subsection (c), a person operating a motorboat may not approach or pass within two hundred (200) feet of the shore line of a lake or channel of the lake at a speed greater than idle speed.

(c) This subsection applies to lakes formed by hydroelectric dams in a county having a population of:

- (1) more than twenty-five thousand (25,000) but less than twenty-five thousand five hundred (25,500); or
- (2) more than twenty thousand (20,000) but less than twenty thousand three hundred (20,300).

A person operating a motorboat may not approach or pass within fifty (50) feet of the shore line at a speed greater than idle speed. However, on tributaries of lakes described in this subsection that are formed by hydroelectric dams, a person operating a motor boat may not approach or pass within two hundred (200) feet of the shore line of the tributary at a speed greater than idle speed. For the purposes of this chapter, tributaries on lakes formed by hydroelectric dams do not include the principal body of water flowing into the lakes.

As added by P.L.1-1995, SEC.8. Amended by P.L.38-2000, SEC.3; P.L.170-2002, SEC.93.

IC 14-15-3-18

Adoption of rules regarding state or federally financed lakes and reservoirs

Sec. 18. (a) The department may adopt rules under IC 4-22-2 to:

- (1) establish speed limits for watercraft; and
- (2) prescribe areas for special use;

on those lakes and reservoirs financed either wholly or in part with state or federal money.

(b) The rules adopted under subsection (a) may do the following:

- (1) Establish zoning of lakes for the protection of users.
- (2) Establish quiet areas in which the use of watercraft may be limited or prohibited for the purposes of fish and wildlife management.
- (3) Provide that special use areas be marked with buoys and marking devices approved by the United States Coast Guard.

(c) A rule adopted under subsection (a) may not interfere with, prohibit, or deprive owners of land adjoining or abutting upon the lakes or reservoirs and their guests of access, ingress, and egress to the land by means of motorized watercraft.

As added by P.L.1-1995, SEC.8.

IC 14-15-3-19

Applicability of chapter to towed persons or objects

Sec. 19. Provisions of this chapter concerning the operation of boats or motorboats apply as follows:

- (1) Whether or not the boat or motorboat is towing a water ski, a watersled, an aquaplane, or a similar object, including a person on the water ski, watersled, aquaplane, or similar object.
- (2) To each object and person.

As added by P.L.1-1995, SEC.8.

IC 14-15-3-20

Towing of persons or objects

Sec. 20. A person operating a motorboat may not tow a water ski, a watersled, an aquaplane, or a similar object, including a person on the waterski, watersled, aquaplane, or similar object, unless:

- (1) the motorboat is occupied by at least one (1) other person who is giving the person's entire attention to watching the object or person towed; and
- (2) the person operating the boat is giving the person's entire attention to the operation of the boat.

As added by P.L.1-1995, SEC.8.

IC 14-15-3-21

Unnecessary sounding of whistle or horn

Sec. 21. (a) A person operating or occupying a boat may not sound a whistle or horn when:

- (1) the passage of the boat is clear and without danger; or
- (2) a warning signal is not necessary to prevent injury to person or property.

(b) Unnecessary sounding of a whistle or horn is:

- (1) a public nuisance; and
- (2) prohibited.

As added by P.L.1-1995, SEC.8.

IC 14-15-3-22

Sirens

Sec. 22. A person other than a law enforcement officer may not

operate or sound a siren.

As added by P.L.1-1995, SEC.8.

IC 14-15-3-23

Load beyond safe carrying capacity

Sec. 23. A person may not operate a boat that is loaded with passengers or cargo beyond the boat's safe carrying capacity, having due regard for the following:

- (1) The type, construction, and condition or state of repair of the boat.
- (2) The conditions and hazards, actual and potential, then existing, including weather and density of traffic.

As added by P.L.1-1995, SEC.8.

IC 14-15-3-24

Occupants on gunwales or bow decking prohibited

Sec. 24. (a) A person operating a motorboat may not permit an occupant to sit, stand, or lie on the gunwales.

(b) A person operating a motorboat less than twenty-one (21) feet in length may not permit an occupant to sit, stand, or lie on the bow decking of the motorboat, except for any of the following purposes:

- (1) Anchoring.
- (2) Mooring.
- (3) Casting off.
- (4) Other necessary purpose.

As added by P.L.1-1995, SEC.8.

IC 14-15-3-25

Mooring to or tampering with navigational aids

Sec. 25. A person may not:

- (1) moor or attach a boat to; or
- (2) move, remove, displace, tamper with, damage, or destroy; a buoy, beacon, light marker, stake, flag, or other aid to safe operation placed upon public water by or by others under the authority of the United States or the state.

As added by P.L.1-1995, SEC.8.

IC 14-15-3-26

Anchoring so as to interfere with traffic

Sec. 26. A person may not anchor a boat in the traveled part of a river or channel so as to:

- (1) prevent;
- (2) impede; or
- (3) interfere with;

the safe passage of another boat through the river or channel.

As added by P.L.1-1995, SEC.8.

IC 14-15-3-27

Boat races

Sec. 27. A person may not participate or compete in a boat race

unless:

- (1) the race is over a fixed and marked course; and
- (2) a permit for the race has been issued by the department under this article.

As added by P.L.1-1995, SEC.8.

IC 14-15-3-28

Permitting unlawful operation

Sec. 28. A person who is:

- (1) the owner of a boat;
- (2) in possession of a boat; or
- (3) entitled to the possession of a boat, whether by reason of legal title, lease, license, rental arrangement, lease with option to purchase, contract of conditional sale, or otherwise;

may not authorize or knowingly permit a person to operate the boat upon public water in violation of this article.

As added by P.L.1-1995, SEC.8.

IC 14-15-3-29

Unauthorized possession or operation

Sec. 29. A person may not:

- (1) take possession of;
- (2) assume control of; or
- (3) operate upon public water;

a boat of which any other person is entitled to the possession, whether by reason of legal title, lease, license, rental arrangement, lease with option to purchase, contract of conditional sale, or otherwise, without the prior express consent of the other person.

As added by P.L.1-1995, SEC.8.

IC 14-15-3-30

Abandoned watercraft

Sec. 30. (a) A person may not abandon a watercraft at any time on Indiana water. A watercraft found unattended in a sunken, beached, or drifting condition is considered to have been abandoned by the owner. In the interest of public safety, such a watercraft may be removed and impounded for safekeeping and disposal in accordance with the following:

- (1) Abandoned watercraft may be impounded by any law enforcement officer of the department when located on public water.
- (2) The owner of an impounded watercraft, if determined and located, shall be notified. The owner may redeem the boat by payment of the storage fee, if any, plus any expenses incurred by the department in the removal of the watercraft.
- (3) If the owner of an impounded watercraft cannot be found, the impounded watercraft shall be held at a place of safekeeping for at least ninety (90) days.
- (4) A watercraft unclaimed by the owner at the expiration of the period prescribed by subdivision (3) shall be destroyed or sold

at public auction.

(5) All money received from the sale at public auction of a watercraft under subdivision (4) shall be deposited in the fish and wildlife fund.

(b) The department and the department's employees are not liable for any damages caused by an abandoned watercraft or incurred to the watercraft during or after the removal of the watercraft from public water.

As added by P.L.1-1995, SEC.8.

IC 14-15-3-31

Violations

Sec. 31. (a) Except as provided in subsection (b), a person who violates this chapter commits a Class C infraction.

(b) A person who violates section 6 of this chapter commits a Class C misdemeanor.

As added by P.L.1-1995, SEC.8.